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Committee on Economic, Social and Cultural Rights
Fifty-second session

Summary record of the 15th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 7 May 2014, at 10 a.m.

Chairperson: Mr. Kedzia (Chairperson)

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The meeting was called to order at 10.05 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Second and third periodic reports of Armenia (E/C.12/ARM/2-3; HRI/CORE/ARM/2014; E/C.12/ARM/Q/2-3; E/C.12/ARM/Q/2-3/Add.1)

1. *At the invitation of the Chairperson, the delegation of Armenia took places at the Committee table.*

2. **Mr. Hovakimian** (Armenia) said that the periodic report of Armenia, prepared by an inter-agency working group with the participation of all parties concerned, had been considered by representatives of civil society and non-governmental organizations (NGOs). In March 2014, the Government had replied to the list of issues prepared by the Committee and had submitted an updated core document.

3. Following its independence Armenia had signed and ratified all the United Nations core human rights treaties; it was confident that the implementation of the treaty body recommendations would help to promote human rights in the country. Armenia regularly submitted resolutions on the prevention of genocide, an issue of particular importance in view of its painful history.

4. Armenia took in many refugees from countries such as Azerbaijan, Iraq and the Syrian Arab Republic and endeavoured to facilitate their naturalization and to help them integrate into Armenian society; however, housing for refugees from Azerbaijan was still a major problem. To remedy the situation, on 17 May 2011, the Government had organized an international donors' conference so as to raise the necessary funds to provide housing for the refugee families living in temporary dwellings. In more general terms, Armenia carried out many activities with a view to finding a solution to the problem of housing refugees.

5. Armenia promoted the realization of the right of peoples to self-determination. It considered it to be a fundamental human right, and that the use of force against a people which simply wished to exercise that right was inadmissible. The blockade imposed by Azerbaijan and Turkey, which had disastrous consequences for the Armenian economy, was contrary to international law.

6. With the aim of implementing and monitoring the commitments of Armenia under the international instruments it had ratified, the Government had decided to establish, before the end of the year, an interministerial commission that would be responsible for drafting new legislation and guaranteeing the full implementation of the recommendations addressed to Armenia. In addition, the Government adopted and implemented plans, programmes and strategies, which it funded to a large extent, in order to ensure the protection and promotion of human rights. Specifically, in February 2014, it had adopted a national plan of action for the National Strategy for Human Rights Protection that provided for the drafting of policies to reduce unemployment among young people and persons with disabilities, to improve safety at work, to establish a system of social assistance for the most vulnerable sectors of the population and to improve the health care provided in detention facilities. The plan of action also provided for the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

7. Furthermore, in order to strengthen the rule of law, to improve mechanisms for guaranteeing basic human rights and freedoms and to ensure the balance of power and greater efficiency in public administration, Armenia had undertaken a process of legislative

and constitutional reform and had adopted a strategic programme of legislative and judicial reform for 2012–2016.

8. Since protecting the rights of the most vulnerable groups was one of the Government's priorities, it had regularly adopted thematic programmes and legislation on human rights as part of the national anti-discrimination policy. They included the national plan of action for the protection of the rights of the child for 2004–2015, based on the provisions of the Convention on the Rights of the Child, the strategic programme on gender equality for 2011–2015 and related plans of action, strategic plan of action to combat gender based violence for 2011–2015, the law on equal rights and equal opportunities for women and men, the national plan of action to combat trafficking in human beings for 2013–2015, the strategy for the social protection of persons with disabilities for 2006–2015 and the strategy for social assistance to elderly persons for 2012–2016.

9. **Ms. Ravenberg** (Country Rapporteur) recalled that the periodic report submitted to the Committee should not merely list or describe the legislation adopted by the State party, but should contain specific information relating to the implementation, in law and in fact, of articles 1 to 15 of the Covenant, taking into account the general comments of the Committee, as well as information on recent developments in law and practice affecting the full realization of the rights recognized in the Covenant. She asked why the periodic report had been submitted 14 years late. She sought further information on how human and financial resources were allocated to the Office of the Human Rights Defender and wished to know whether the Government followed up on the Office's recommendations. She also wondered whether the Office was fully in line with the Paris Principles.

10. She requested more information on the measures taken to combat corruption, in particular the national anti-corruption strategy for 2009–2012 and its related plan of action. She enquired about the results of the strategy and the measures taken to guarantee the independence of the judiciary and to combat corruption in the Government, public administration and the judicial system. Lastly, she asked whether Armenia had an anti-corruption law.

11. **Mr. Tirado Mejía** asked for further details of specific steps taken to combat discrimination and corruption and requested the delegation to provide information on the penalties imposed on persons found guilty of corruption. Noting that punishment was not enough to eliminate discrimination, he said that the State party should launch awareness-raising campaigns to change attitudes in Armenian society. He asked whether there was any legislation criminalizing discrimination on the grounds of sexual orientation. He invited the delegation to explain what the Government was doing to increase the representation of women and persons with disabilities in the legislature.

12. **Ms. Shin** asked how many complaints had been received by the Office of the Human Rights Defender in 2013 and whether complaints were classified according to grounds of discrimination. She wished to know whether the persons who had attacked activists at the time of the adoption of the law on gender equality had been prosecuted. She asked whether the Government intended to raise the age of marriage for girls and about measures to combat prenatal sex selection. Lastly, she asked whether the Government planned to include provisions guaranteeing gender equality in the Electoral Code

13. **Ms. Bras Gomes** said that she wished to know whether there was a framework law to combat discrimination and if not, whether the Government was planning to adopt one. She asked what the Government was doing to change attitudes about gender equality and to what extent it followed up on the recommendations of the Human Rights Defender.

14. **Mr. Atangana** enquired about the 16 legal cases in which the provisions of the Covenant had been invoked.

15. **Mr. Sadi** asked whether the national strategy and plan of action for human rights covered economic, social and cultural rights, as defined in the Covenant, and, in general, whether the authorities were familiar with the contents of the Covenant. He also asked whether the strategy explicitly provided for human rights education. He would welcome further details of the mandate of the Human Rights Defender. He noted that the State party had no framework law to combat discrimination and did not always recognize certain grounds for discrimination in violation of the many human rights instruments to which it was signatory.

16. **Mr. Kerdoun** asked what peaceful solution was envisaged, as part of the negotiation process under the auspices of the Minsk Group of the Organization for Security and Co-operation in Europe (OSCE), for the conflict between Armenia and Azerbaijan under way in Nagorno-Karabakh for over 20 years. He asked whether the State party considered the recent recognition by the Turkish Prime Minister of the Armenian genocide of 1915 as representing progress. He asked whether members of the diaspora had the same rights as other Armenian citizens when they returned to their country definitively or temporarily.

17. **Mr. Abdel-Moneim** said it was regrettable that the State party's report was not more detailed, given the long reporting period it covered. Referring to paragraphs 19 to 21 of the report, he recalled that article 2 of the Covenant not only established the principle of non-discrimination, but also provided that each State Party "should undertake to take steps ... to the maximum of its available resources, with a view to achieving progressively the full realization of rights". In that connection, he urged the State party to ensure that the aid received from the International Monetary Fund and the World Bank was spent on developing its economic infrastructure, with respect for human rights.

18. **Mr. Ribeiro Leão**, referring to paragraphs 55 and 56 of the report, asked how the minimum wage (monthly and hourly) was established and applied and enquired about related regulations.

19. **Ms. Bras Gomes** noted that the quotas for employing workers with disabilities mentioned in the State party's written replies (E/C.12/ARM/Q/2-3/Add.1, para. 43) would take effect on 1 January 2015 or 2016. The Committee needed an update on the current situation to help it draft its concluding observations. With regard to the informal economy and the formal economy, the State party provided no information about the former but merely listed various projects in relation to the latter. She would like to know more about the progress of those projects, the results achieved and the obstacles encountered. She asked why the State Labour Inspectorate had been merged with the State Health-care Inspectorate, under the Ministry of Health. She did not understand why the State party had replaced unemployment benefit with an active employment policy, one was not a substitute for the other – they were complementary. She asked whether the minimum pension, which must be "comparable" to the minimum subsistence budget, was enough to ensure a decent standard of living.

20. **Mr. Martynov** asked about employment and unemployment rates in the State party since 2007, the percentage of people with disabilities among the employed and the population of working age, and when the law for the protection of persons with disabilities would be adopted.

The meeting was suspended at 11.20 a.m. and resumed at 11.40 a.m.

21. *Mr. Ribeiro Leão (Vice-Chairperson) took the Chair.*

22. **Mr. Hovakimian** (Armenia) said that the peaceful settlement of the conflict in Nagorno-Karabakh under the auspices of OSCE must be based on the principles of self-determination, territorial integrity and the non-use of force or threat of force, in accordance

with international law. A basic document, concerning, inter alia, the status of the region and the observance of human rights, had already been drawn up and made several references to the joint statements by the G8. The recent statement by the Prime Minister of Turkey on the Armenian genocide should not be considered as an apology and sought to place the victims and perpetrators on an equal footing, which was unacceptable. In general, Armenia firmly rejected any form of racist propaganda, hate speech and racial and religious discrimination, especially on the part of politicians in neighbouring countries. Two thirds of the total population of Armenia, 9 to 10 million Armenians, lived abroad. Links with the diaspora were essential for the country's economic and social development. Three years previously, Armenia had adopted a law on dual citizenship, guaranteeing equal rights to all persons of Armenian origin, apart from the possibility of voting from abroad.

23. **Mr. Kirakosyan** (Armenia) said that the Armenian Government was currently drafting its third anti-corruption strategy, with the support of civil society and Transparency International, in order to encourage greater integrity in the civil service. Armenia also had an anti-corruption Council, chaired by the Prime Minister, which would soon include representatives of civil society and experts, and would have a permanent secretary responsible for monitoring and follow-up activities. At the international level, Armenia was a party to the United Nations Convention against Corruption and participated in the Istanbul Anti-Corruption Action Plan for Eastern Europe and Central Asia, launched by the Anti-Corruption Network of the Organization of Economic Cooperation and Development (OECD); it also took part in the activities the Group of States against corruption (GRECO) in the Council of Europe. A general anti-discrimination bill prepared by the Office of the Human Rights Defender and which had already been reviewed several times should be included in the plan of action on human rights. While he recognized the usefulness of a framework law to combat discrimination for the purpose of prevention, as far as penalties were concerned it should be noted that discrimination already constituted an aggravating circumstance for many courts. With regard to the minimum age for marriage, there was a bill establishing 18 years as the minimum age for both sexes. The strategy and plan of action on human rights had been drawn up taking into account the recommendations of the various treaty bodies. The Ministry of Justice could already see how well the Office of the Human Rights Defender was functioning, and increasingly more budgetary funds had been allocated to the Office in recent years. The enforceability of the Covenant was demonstrated, inter alia, through the courses on international law, including treaty law, taught in the recently established national school of magistrates.

24. **Ms. Sargsyan** (Armenia) said that the courts had invoked the Covenant directly twice since Armenia had submitted its written replies to the list of issues, and that individuals involved in court cases sometimes referred to the instrument themselves. Most of the time the complaints related to non-compliance with the provisions of articles 6 and 7 concerning the right to work and the right to just and favourable conditions of work respectively. Several corruption cases were currently pending before the courts, and prison sentences had been handed down for the offence. The Armenian Government was doing its utmost to eradicate the scourge of corruption.

25. **Ms. Soudjian** (Armenia) said that the Office of the Human Rights Defender, which had "A" status under the Paris Principles, had been established in October 2003 and had started its work in January 2004. In accordance with the law it should be allocated sufficient resources to discharge its functions, and its budget had doubled between 2012 and 2013. With financial assistance from the European Union, six regional offices had been created to facilitate access to the Office.

26. Many projects were being rolled out in the country to protect the rights of children, women and persons with disabilities and to combat trafficking, and all citizens enjoyed the same rights, regardless of race, colour or national or ethnic origin. Since Armenia was a

party to Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe, persons who considered themselves to be victims of discrimination in Armenia petition the European institutions. Specifically, the coordinating council on matters relating to national and ethnic minorities established in 2000 by Presidential Decree was intended to combat discrimination against such groups. The council consisted of representatives of the 11 minorities that had been granted national minority status in Armenia. In 2008, a council composed of members of civil society and individuals had been established, whose purpose was to promote the implementation of reforms.

27. Armenia allowed same-sex marriage and had decriminalized homosexuality in 2003. In 2005, it had enshrined the principle of equal treatment in the Constitution. Access to health care and education and the enjoyment of the rights enshrined in the Covenant could not be refused on the grounds of sexual identity or sexual orientation or of belonging to a national minority. The Human Rights Council, which was under the authority of the Prime Minister, had publicly condemned acts of intimidation and insults targeted at representatives of associations defending women's rights on social networks; it had encouraged members of the judiciary to be more vigilant about such matters, considering that the perpetrators should be prosecuted.

28. **Ms. Baghdasaryan** (Armenia) said that Armenia had ratified the Convention on the Rights of Persons with Disabilities and that the new national legislation on the rights of such persons, currently being drafted, would be submitted to parliament shortly. The bill on the inclusion of persons with disabilities, provided, inter alia, for plans to ensure greater access to public transport and public places, which involved upgrading public buildings such as schools and hospitals built during the Soviet era or building new ones. For example, in 2012, in Yerevan, considerable resources had been deployed to facilitate access to public transport for persons with disabilities. Such persons benefited from free orthopaedic and rehabilitation services, and other services were available to them according to their disability. The unemployment rate among that sector of the population was particularly high, since only 10 per cent of persons with disabilities of working age were employed. To remedy the situation, the civil service would be making more posts available for them as of 2015.

29. The Government encouraged the creation of small businesses and raised family allowances every year. It had already raised the minimum wage and also planned to increase retirement pensions, whose level varied depending on the situation in the household concerned, namely whether the retiree lived alone and had financial support from relatives or not.

29. **Mr. Grigoryan** (Armenia) said that it was in the interests of efficiency that the State Hygiene and Anti-Epidemiological Inspectorate under the Ministry of Health in Yerevan and the Labour Inspectorate under the Ministry of Labour and Social Affairs had been merged into the Public Health Inspectorate, the ultimate goal being better supervision of the working conditions that might affect the health of workers.

30. Selective abortion was a common practice: worldwide the sex ratio was usually 106 boys to 100 girls; while in Armenia it was 114 boys to 100 girls. To combat the practice, staff doing ultrasound scans were prohibited from disclosing to parents the sex of the child before the thirtieth week of pregnancy, and awareness-raising campaigns were broadcast on radio and television.

31. **Mr. Stepanyan** (Armenia) said that human rights education had been included in the school curriculum and was a compulsory subject.

32. **Mr. Avetisyan** (Armenia) said that in order to promote the country's economic development, the Government had concluded a partnership agreement with the World Bank

and other international financial institutions under which women and young persons could have access to financial services.

33. **Mr. Sadi** asked whether when issuing a decision the courts merely referred to the provisions of the Covenant and other international treaties, or whether they also took into account the work of the treaty bodies which sometimes explained the provisions by interpreting them.

34. **Ms. Shin** said the fact that there were 114 boys born to every 100 girls in Armenia was an indication of what a serious problem gender equality was in Armenian society. She requested the Armenian Government to take the necessary steps to establish gender equality in its territory

35. **Mr. Kirakosyan**, supported by **Ms. Sargsyan** (Armenia), said that when taking decisions national courts referred not only to treaties, but also to the work of the treaty bodies responsible for monitoring their implementation, in particular the United Nations bodies.

36. **Ms. Baghdasaryan** (Armenia) said that, according to the results of a survey, only 9 per cent of persons in receipt of unemployment benefit were making efforts to find a job, which suggested that paying unemployment benefit encouraged a passive attitude among the unemployed. The Government had introduced a new programme to encourage active job seeking. It was currently considering the possibility of maintaining those systems without one replacing the other.

37. **Mr. Pillay** asked whether measures to combat poverty had yielded results, and whether the family allowance had been raised to meet the needs of the poorest. He asked for clarification of Decision No. 864-N regulating the provision of social housing for vulnerable groups, and whether the adoption of the decision had led to the construction of such housing. Finally, he asked whether the families affected by the 1998 earthquake were still living in temporary shelters (*domics*), and what measures had been adopted by the State party to provide permanent and suitable housing for them.

38. **Mr. Atangana** asked when the draft law on domestic violence might be adopted, what had been the impact of measures taken to combat corporal punishment, and whether the State party might provide for penalties against the perpetrators of such punishment as part of the reform of the relevant legislation.

39. **Ms. Cong** said that she would like to know how many doctors, midwives and nurses were employed in the obstetric centres referred to in paragraph 322 of the report, whether pregnant adolescent girls had access to health-care services and counselling, and whether some of the 57 family planning centres in the country were located in rural areas.

The meeting rose at 1 p.m.